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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,216	12/20/2000	Peter Beijbom	HW-5647	7653

7590 01/23/2002  
TAROLLI, SUNDHEIM, COVELL, TUMMINO & SZABO L.L.P.  
1111 LEADER BLDG., 526 SUPERIOR AVE.  
CLEVELAND, OH 44114-1400

EXAMINER

MANOHARAN, VIRGINIA

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 01/23/2002

2

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-2

<b>Office Action Summary</b>	Application No.		Applicant(s)	
	09/741,216		BEIJBOM, PETER	
	Examiner		Art Unit	
	Virginia Manoharan		1764	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 20 December 2000.

2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

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Acknowledgment is made of applicant's claim for foreign priority based on an application Japan 11-372497 filed in Japan on December 28, 1999. It is noted, however, that applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C. 119(b).

The drawings are objected to because Figs. 2-3 should be labeled as Prior Art. See e.g., page 3, lines 5-9 of the specification. Correction is required.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because the reference characters "2" and 2a have both been used to designate "solvent".

See e.g., page 3, third line from the bottom and page 4, second line from the bottom respectively.

The heading "Brief Description of The Drawings" is suggested to be incorporated into the specification at page 3.

Applicant is requested to supply any information(s) which applicant is considering to improve, specifically as exemplified by Figs. 2-3, that are deemed material to the proper examination of the application.

The abstract of the disclosure is objected to because of the inclusion of legal phraseology often used in patent claims. For example: "comprises" recited in line 6, and "means to" recited in line 8. Correction is required. See MPEP § 608.01(b).

The sole claim is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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- A. The claimed "Device at distillers" is ambiguous.
- B. It is unclear whether the distillers do in fact distill solvents with the recitation of 'adapted to'. Deleting this term obviates this rejection.
- C. The used of abbreviation "e.g." in a claim is improper. See line 3.
- D. The claimed "said solvent" in claim 1, line 2, lacks antecedent support.
- E. The term "tightly closed" in claim 1 is a relative term which renders the claim indefinite. The term "tightly closed" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
- F. The sole claim is narrative in form and replete with process or operational language(s). The structure which goes to make up the device must be positively specified and correlated in such a manner as to present a complete operative device.
- G. The term "characterized" is not a recitation of positive, manipulative, method steps. Also, the limitations prior to "characterized" provide for ambiguity i.e., whether to be considered part of applicant's invention or not.

The claims should be amended to a jepson - type format in accordance with rule 1.75 (e) to delineate that which is considered to be an improvement in the art.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicants'

admission in view of anyone of Castona, Hoover, Pride or Todd.

Applicant admits that an apparatus "...wherein the distiller (1) comprises an outer container (5) with a boiling chamber (8) which at the top has an opening (9) which can be tightly closed by means of a cover (10), wherein a flexible inner container (13) is provided in the boiling chamber (8), said flexible inner container (13) containing impure solvent (2) to be distilled, and wherein a heating device (6) is provided to heat the impure solvent (2) in the flexible inner container (13) such that it is boiled and solvent steam (7) thereby is generated in an upper space (16) of the boiling chamber (8) said solvent steam (7) flowing out from said upper space (16) through at least one outlet (17) and into a condensing device (18) which is provided to condense the solvent steam (7) to liquid solvent..." is known in the art as exemplified by Figs. 2 and 3. See applicant's description at pages 3-4 and at page 5, lines 1-8 of the specification.

The apparatus admitted to be known by applicant differs from the claimed invention in that the sole claim recites "... That a pipe means (20) is placed beside the flexible inner container (13) in order to allow solvent steam (7a), which is generated by boiling solvent in a lower space (19) beneath the flexible inner container (13), to pass from said lower space (19) into the upper space (16) above the flexible inner container (13).".

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However, to place a pipe beside the inner container to allow vapor to pass therethrough in the apparatus admitted to be known by applicant would have been obvious to one of ordinary skill in the art as taught by anyone of the secondary references mentioned above. Doing so would allow passage of vapor or steam in said pipe.

See e.g., page 3, lines 80-116 of Castona; the pipe (103, 102) shown e.g., at Fig. 5 of Hoover; page 1, lines 29-39 of Pride and Fig. 2 of Todd with "pipe X".

While the claimed language, "... For preventing said solvent steam (7a) from lifting the flexible inner container (13) in the boiling chamber (8). "is not specifically mentioned in anyone of the above secondary references, however, the apparatus of anyone of the above secondary references is not distinguished therefrom by the mere recitation of a particular use to which the apparatus is to be put. The manner or method in which an apparatus is to be used is not germane to the issue of patentability of the apparatus itself.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A. Thompson and Pastor both disclose an apparatus for recycling and/or recovering solvents.
- B. Edgerton discloses an apparatus for extracting grease and oils.
- C. Goldware discloses a vapor degreaser.
- D. Heil discloses a distillation system using loose polymer lining.

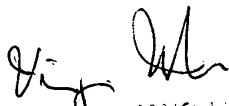
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Manoharan whose telephone number is (703) 308-3844. The examiner can normally be reached on Tuesday - Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marian Knode, can be reached on (703) 308-4311. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

V. Manoharan/om  
January 18, 2002

  
VIRGINIA MANOHARAN  
PRIMARY EXAMINER  
ART UNIT 1261 764

1/22/02 ✓